

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES McINTOSH : CIVIL ACTION
v. :
J.T. SHARTLE, et al. : NO. 11-4182

ORDER

AND NOW, this 22nd day of November, 2011, it is hereby
ORDERED that:

- (1) the Report of the Magistrate Judge is APPROVED and ADOPTED and the Recommendation is MODIFIED;
- (2) this petition is DISMISSED without prejudice to the right of petitioner to move in the United States Court of Appeals for the Third Circuit for an order authorizing the district court to consider his second or successive petition (see 28 U.S.C. § 2244); and
- (3) no certificate of appealability is issued.

BY THE COURT:

/s/ Harvey Bartle III

J.